

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	CASE NO. 95-390
BELL TELEPHONE COMPANY'S PROPOSED)	
TARIFF FOR INWARD OPERATOR SERVICES)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed September 6, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data filed in support of its proposed tariff for Inward Operator Service ("IOS") on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

In this proceeding South Central Bell has introduced an IOS tariff for Verification Service and Verification and Emergency and Interruption Service. Verification Service is used by inter-exchange customers who wish to assist their customers in verifying the status of a South Central Bell subscriber line (for example, conversation in progress, line available to receive a call, or trouble condition). Customers use Emergency Interruption Service to interrupt a conversation to inform that subscriber of an emergency need to reach that telephone number. In support of the

proposed tariff South Central Bell has filed cost information which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and to act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means, including the maintenance of appropriate security at its offices.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Provision of operator services is competitive. Disclosure of the cost data sought to be protected would provide competitors with information they could use to determine the price or rate below

which South Central Bell cannot provide operator service. Further, the cost information would enable competitors to determine South Central Bell's cost and contribution from the service which they could use to market their competing services. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury, and the information should be protected as confidential.


South Central Bell also maintains that the cost information contains vendor-specific prices negotiated by South Central Bell and that disclosure of this information would impair its ability to contract for goods or services on favorable terms. However, since it has been determined that the information is entitled to protection on another ground, this issue need not be addressed.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information filed in support of the proposed IOS tariff, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 10th day of October, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner